UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,785	04/16/2004	Michael R. Watson	ZILG.263US1	1278

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EXAMINER
SINGH, DALZID E

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/826,785	WATSON ET AL.
	Examiner	Art Unit	
	Dalzid Singh	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 April 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 18-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-9* is/are allowed.

6)☒ Claim(s) *18-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-9 and 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kimura (US Patent No. 6,211,797) in view of Nykanen (US Patent No. 6,728,774).

Regarding claim 1, Kimura disclose a device comprising:

an application set group that includes at least one application set (see col. 3,

lines 16-23 and 34-36 and in Fig. 7, Kimura shows application program (50) which is

considered as application set);

a protocol stack group that includes at least a first protocol stack (see col. 3,

lines 13-29);

a wireless transceiver, wherein the application set group and the protocol stack

group are in communication with the wireless transceiver, wherein the wireless

transceiver receives a communication from a peripheral device (Fig. 7 show wireless

transceiver (23) in communication with peripheral unit (51); in col. 7, lines 35-41, the

external device such as peripheral device transmits information or instruction);

a detector that is in communication with the peripheral device, wherein the

detector detects the configuration of the peripheral device (in col. 10, lines 35-46,

infrared monitor detects or find infrared unit such as peripheral device; the information

or configuration of the peripheral device is detected or received; see col. 7, lines 35-

41); and

a stack selector that enables the first protocol stack in response to the detector

detecting the configuration of the applications set in the peripheral device (see col. 8,

lines 46-62; the protocol selector can be considered as the stack selector, which is

selected based on the detected signal).

Kimura discloses the transceiver is in communication with external devices such

as peripheral devices and differ from the claimed invention in that Kimura does not

disclose that the communication contains instructions from an application set in the

peripheral device. Nykanen is cited to show discovery process in which application set

of other devices is discovered (see col. 4, lines 2-19). Therefore it would have been

obvious to an artisan of ordinary skill in the art at the time the invention was made to

provide instruction from application set. One of ordinary skill in the art would have

been motivated to so such in order to provide reliable and optimum communication.

Regarding claim 2, as discussed above, the combination of Kimura and Nykanen

discloses detection of application set and differs from the claimed invention in that the

combination does not disclose the application set group includes an optimum

application set, and wherein the detector further enables the optimum application set

response to detecting the configuration of the application set in the peripheral device.

However, it would have been obvious that the application set is selected for optimum performance in order to eliminate communication error).

Regarding claim 3, the combination of Kimura and Nykanen differs from the claimed invention in that the combination does not specifically disclose in an initial communications condition the selector enables a default application set of the application set group, and wherein in the initial communications condition, the stack selector enables a default protocol stack of the protocol group. However, it would have been obvious that initial communication is defined in order to initially communicate information to other device regarding protocol and application set and hence establish communication (see col. 5, lines 13-46).

Regarding claim 4, Kimura disclose that the initial communications condition is reestablished upon cessation of communications between the wireless transceiver and the peripheral device (see col. 5, lines 13-46; it would have been obvious that communication is reestablish in order to provide continuous link).

Regarding claim 5, Kimura disclose method comprising the steps of:

enabling a default protocol stack in a device, wherein the device comprises a wireless transceiver, an application set group with at least one application set (see col. 3, lines 16-23 and 34-36 and in Fig. 7, Kimura shows application program (50) which is considered as application set; Fig. 7 show wireless transceiver (23) in communication with peripheral unit (51); in col. 7, lines 35-41, the external device such as peripheral

device transmits information or instruction) and a protocol stack group with at least a

first protocol stack (see col. 3, lines 13-29);

receiving a communication from a peripheral device, wherein the communication

contains instructions from an application set in the peripheral device, and wherein the

application set in the peripheral device has a configuration; (Fig. 1 show wireless

transceiver; in col. 3, lines 47-63, Kimura discloses communication with peripheral unit);

detecting the configuration of the application set in the peripheral device (in col.

10, lines 35-46, infrared monitor detects or find infrared unit such as peripheral device;

the information or configuration of the peripheral device is detected or received; see

col. 7, lines 35-41); and

enabling an upgraded protocol stack in the device in response to the detecting

the configuration in the peripheral device (see col. 8, lines 46-62; the protocol selector

can be considered as the stack selector, which can be selected or upgraded based on

the detected signal).

Kimura discloses the transceiver is in communication with external devices such

as peripheral devices and differ from the claimed invention in that Kimura does not

disclose that the communication contains instructions from an application set in the

peripheral device. Nykanen is cited to show discovery process in which application set

of other devices is discovered (see col. 4, lines 2-19). Therefore it would have been

obvious to an artisan of ordinary skill in the art at the time the invention was made to

provide instruction from application set. One of ordinary skill in the art would have been motivated to so such in order to provide reliable and optimum communication.

Regarding claim 6, as discussed above, the combination of Kimura and Nykanen discloses querying the peripheral device for the configuration of the application set in the peripheral device (there must be query in order to receive or discover information relating to other device).

Regarding claim 7, as discussed above, as discussed above, the combination of Kimura and Nykanen discloses detection of application set and differs from the claimed invention in that the combination does not disclose the application group includes an optimum application set, further comprising enabling the optimum application set in response to the detecting configuration of the application set in the peripheral device. However, it would have been obvious that initial communication is defined in order to initially communicate information to other device regarding protocol and application set and hence establish communication (see col. 5, lines 13-46).

Regarding claim 8, the combination of Kimura and Nykanen differs from the claimed invention in that the combination does not specifically disclose the application set group includes a default application set and wherein the protocol stack group includes a default protocol stack, further comprising, after the enabling the upgraded protocol stack: enabling the default application set; and enabling the default protocol stack. However, it would have been obvious that initial communication is defined in

order to initially communicate information to other device regarding protocol and

application set and hence establish communication (see col. 5, lines 13-46).

Regarding claim 9, in col. 8, lines 12-20, Kimura discloses communication with

printer.

Regarding claim 18, Kimura discloses a device comprising:

an application group that includes a first application version and a second

application version (in col. 8, lines 30-45; Kimura discloses program replacement, it

appears that there is more than one application program),

a protocol stack group that includes a first protocol stack and a second protocol

stack (see col. 3, lines 13-29, Kimura disclose protocol stack);

a wireless transceiver, wherein the wireless transceiver receives a communication

from a second device, wherein the second device contains a configuration (see col. 3,

lines 16-23 and 34-36 and in Fig. 7, Kimura shows application program (50) which is

considered as application set; Fig. 7 show wireless transceiver (23) in communication

with a second device (51); in col. 7, lines 35-41, the external device transmits

information or instruction);

a detector that detects the configuration of the application in the second device,

and a selector that enables the first protocol stack in response to the detector detecting

the configuration of the application in the second device (in col. 10, lines 35-46,

infrared monitor detects or find infrared unit such as peripheral device; the information

or configuration of the peripheral device is detected or received; see col. 7, lines 35-41).

Kimura discloses the transceiver is in communication with external devices such as a second device and differ from the claimed invention in that Kimura does not disclose that the communication contains instructions from an application set in the second device. Nykanen is cited to show discovery process in which application set of other devices is discovered (see col. 4, lines 2-19). Therefore it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide instruction from application set. One of ordinary skill in the art would have been motivated to so such in order to provide reliable and optimum communication.

Regarding claim 19, wherein the second application version is a software program for executing a function on the second device (in col. 8, lines 30-45, Kimura discloses program for communicating with other devices; see Fig. 7).

Regarding claim 20, wherein the function is printing (see col. 8, lines 12-20).

Regarding claim 21, Kimura discloses the transceiver is in communication with external devices such as second device and differ from the claimed invention in that Kimura does not disclose detecting the configuration of the application in the second device. Nykanen is cited to show discovery process in which application set of other devices is discovered (see col. 4, lines 2-19). Therefore it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide

instruction from application set. One of ordinary skill in the art would have been

motivated to so such in order to provide reliable and optimum communication.

Regarding claim 22, wherein the first application version communicates with the

wireless transceiver through the first protocol stack (see col. 3, lines 13-29).

Regarding claim 23, wherein the first protocol stack is an infrared

communications protocol stack (see col. 8, lines 17-19).

Regarding claim 24, wherein the wireless transceiver receives the communication

from the second device via radio frequency communications (see col. 8, lines 17-19).

Regarding claim 25, wherein the detector queries the second device for the

configuration of the application in the second device (there must be query in order to

receive or discover information relating to other device).

Regarding claim 26, Kimura discloses a device comprising:

a protocol stack group that includes a plurality of protocol stacks, wherein one of

the plurality of protocol stacks is an optimum protocol stack (see col. 3, lines 13-29 and

col. 8, lines 46-62);

a wireless transceiver, wherein the wireless transceiver receives a communication

from a second device, wherein the second device contains a configuration, and means

for enabling the optimum protocol stack based on the configuration of the second

device (see col. 3, lines 16-23 and 34-36 and in Fig. 7, Kimura shows application

program (50) which is considered as application set; Fig. 7 show wireless transceiver

(23) in communication with a second device (51); in col. 7, lines 35-41, the external

device transmits information or instruction).

Kimura discloses the transceiver is in communication with external devices such

as a second device and differ from the claimed invention in that Kimura does not

disclose that the communication contains instructions from an application set in the

second device. Nykanen is cited to show discovery process in which application set of

other devices is discovered (see col. 4, lines 2-19). Therefore it would have been

obvious to an artisan of ordinary skill in the art at the time the invention was made to

provide instruction from application set. One of ordinary skill in the art would have

been motivated to so such in order to provide reliable and optimum communication.

Regarding claim 27, wherein the application in the second device comprises

instructions to execute a print function (see col. 8, lines 12-20).

Regarding claim 28, in col. 10, lines 33-44, infrared monitor detects configuration

of the second device.

Regarding claim 29, the combination of Kimura and Nykanen differs from the

claimed invention in that the combination does not specifically disclose the device

begins communicating with the second device using a default protocol stack. However,

it would have been obvious that initial communication is defined in order to initially

communicate information to other device regarding protocol and application set and

hence establish communication (see col. 5, lines 13-46).

Response to Arguments

3.   Applicant's arguments filed 11 April 2006 have been fully considered but they are

not persuasive.

In the remark, applicant argues that neither Kimura nor Nykanen teaches

instruction from an application set in a peripheral device. Even though Kimura does not

specifically disclose instruction from application set in the peripheral device, it is well

known that such instruction is communicated between the devices. Kimura discloses

device comprising of various application sets, modulation schemes and protocols that

communicates with plurality of other devices. It is therefore obvious that in order to

optimize communication, appropriate protocol and/or application set and/or modulation

schemes is selected based on the specific information provided by the devices (see col.

4, lines 11-16; col. 5, lines 64-67 to col. 6, lines 1-10; col. 7, lines 3-29, lines 61-67 to

col. 8, lines 1-19 and lines 53-62). Nykanen is cited to show specific example of how

such instruction may appear in response to communication initiated by initiator device

(see col. 4, lines 8-20). Therefore, in establishing communication between different

devices, it is well known to communicate specific device information (instruction) in

order to optimize data transmission.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire

later than SIX MONTHS from the mailing date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dalzid Singh whose telephone number is (571) 272-

3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS
June 23, 2006
Dahid Singh